



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,751	09/19/2001	Virind S. Gujral	ARIBP037	9479
21912 7590 07/31/2007 VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			EXAMINER LIU, I JUNG	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	09/955,751		GUJRAL ET AL.	
	Examiner		Art Unit	
	Marissa Liu		3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/10/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-31 are presented for examination. Applicant filed an amendment on 5/10/2007 amending claims 1, 13, 17, 22, and 29. In view of Applicant's amendment, the Examiner withdraws the grounds of rejection of claims 1-3 and 6-16 based on 35 USC 101. The examiner withdraws the priority rejection. However, new grounds of rejection of claims 1-31 necessitated by Applicant's amendment are established in the instant office action as set forth in detail below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 9, 11-12, 17-18, and 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable by Ausubel, U.S. Patent Number: 6,026,383 (PTO-892 reference C) in view of Takeshi: Patent Number JP408079240A.

3. As per claim 1, Ausubel teaches a method of conducting an auction among a plurality of bidders, wherein each of said plurality of bidders competing for a lot to be auctioned by an auction requester, said method comprising:

allowing each bidder to place a respective bid for each of a plurality of bid parameters established for said lot (see column 1, lines 53-57), wherein:

said plurality of bid parameters includes a price parameter and at least one non-price parameter (see column 4, lines 21-29); and

making bids received from each said bidder for said price and said non-price parameters available to said auction requester in real-time (column 2, lines 31-35, 61-67, column 3, lines 28-40, column 4, lines 21-29, where “specified objects” is equivalent of “non-price parameter”).

Ausubel does not teach:

said at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder.

Takeshi teaches:

said at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder (abstract).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder feature to the method of Ausubel because Takeshi teaches that adding the feature helps to provide with the QOS request for specifying the bid price and the resources and the requesting the service, a price adjustment

Art Unit: 3691

mechanism 4 for successively assigning the resources satisfied with the QOS request 3 in the descending order of the bid price for the plural QOS requests 3 received through a line and an execution means for executing a processing by using the assigned resources and returning the executed result.

4. As per claim 3, Ausubel and Takeshi teach the method of claim 1 described above. Ausubel further teaches the method wherein allowing each said bidder to place said respective bid includes performing the following in real-time:

displaying a data entry page on a corresponding bidder computer terminal accessible to respective one of said plurality of bidders, wherein said data entry page includes a data entry field for each of said plurality of bid parameters (see column 2, lines 61-67); and

allowing each said bidder to access said data entry page and place said respective bid for each of said plurality of bid parameters by entering said respective bid in said data entry field for corresponding bid parameter (column 3, lines 28-39).

5. As per claim 4, Ausubel and Takeshi teach the method of claim 3 described above. Ausubel further teaches wherein displaying said data entry page includes:

executing an auction software (see Figure 1a and column 5, lines 1-3, where “program is equivalent of “software”) at a remote computer (see column 3, lines 33-35) connected to each said bidder computer terminal via a communication network (see column 5, lines 47-60), wherein said auction software, upon execution, generates said data entry page (see column 2, lines 61-67); and

sending said data entry page generated upon execution of said auction software over said communication network to respective bidder computer terminals to be displayed thereon (see column 3, lines 33-40).

6. As per claim 5, Ausubel and Takeshi teach the method of claim 3 described above. Ausubel further teaches wherein said data entry page is displayed (see column 2, lines 61-67) by executing an auction software (see Figure 1a and column 5, lines 1-3, where “program is equivalent of “software”) resident on each said bidder computer terminal, wherein said auction software, upon execution, generates said data entry page (see column 3, lines 28-39).

7. As per claim 9, Ausubel and Takeshi teach the method of claim 1 described above. Ausubel further teaches a first computer terminal accessible to one of said plurality of bidders (see column 3, lines 28-32); and a second computer terminal accessible to said auction requester (see abstract and column 1, lines 34-40, where “buyer” is equivalent of “auction requester”), wherein said bid graph graphically depicts information about at least two bids placed by each of said one of said plurality of bidders and at least one other bidder from the remainder of said plurality of bidders (see column 8, lines 2-14, where “demand curve” is equivalent of “bid graph”), at least one of said at least two bids is for a non-price parameter (see column 4, lines 21-29).

8. As per claim 11, Ausubel and Takeshi teach the method of claim 1 described above. Ausubel further teaches the feature of preventing each bid initially placed for corresponding non-price parameter from being unintentionally modified thereafter during said auction (see column 3, lines 17-27); and crediting, as a default, any non-initial bid entry by each said bidder to said price parameter only (see column 7, lines 47-67).

Art Unit: 3691

9. As per claim 12, Ausubel and Takeshi teach the method of claim 1 described above.

Ausubel further teaches the feature of allowing said auction requester to establish said plurality of bid parameters for said lot (see column 1, lines 34-40 and column 4, lines 21-29).

10. As per claim 17, Ausubel teaches a system for conducting an on-line auction among a plurality of bidders, wherein each of said plurality of bidders competing for a lot to be auctioned by an auction requester, said system comprising:

means for allowing each bidder to place a respective bid for each of a plurality of bid parameters established for said lot (see column 1, lines 53-57), wherein said plurality of bid parameters includes a price parameter and at least one non-price parameter and means for making bids received for each non-price parameter available to said auction requester in real-time (see column 2, lines 31-35, 61-67, column 3, lines 28-40, and column 4, lines 21-29, where “specified objects” is equivalent of “non-price parameter”).

Ausubel does not teach:

said at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder.

Takeshi teaches:

said at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the

Art Unit: 3691

auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder (abstract).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder feature to the method of Ausubel because Takeshi teaches that adding the feature helps to provide with the QOS request for specifying the bid price and the resources and the requesting the service, a price adjustment mechanism 4 for successively assigning the resources satisfied with the QOS request 3 in the descending order of the bid price for the plural QOS requests 3 received through a line and an execution means for executing a processing by using the assigned resources and returning the executed result.

11. As per claim 18, Ausubel and Takeshi teach the system of claim 17 described above.

Ausubel further teaches:

for each said bidder, means for multiplying each bid received for a corresponding non-price parameter by zero and aggregating all zero-multiplied bids, thereby generating a null value; for each said bidder, means for combining said null value with said respective bid for said price parameter, i.e. charged the highest bidder, to generate a total bid for said lot; and means for making said total bid by each corresponding bidder available to said auction requester in real-time (see column 1, lines 5-52).

Art Unit: 3691

12. As per claim 20, Ausubel and Takeshi teach the system of claim 17 described above. Ausubel further teaches means for displaying a bid graph in real-time on at least one of the following:

a first computer terminal accessible to one of said plurality of bidders (see column 3, lines 28-32); and a second computer terminal accessible to said auction requester (see abstract and column 1, lines 34-40, where “buyer” is equivalent of “auction requester”), wherein said bid graph graphically depicts information about at least two bids placed by each of said one of said plurality of bidders and at least one other bidder from the remainder of said plurality of bidders (see column 8, lines 2-14, where “demand curve” is equivalent of “bid graph”), wherein at least one of said at least two bids is for a non-price parameter (see column 4, lines 21-29).

13. As per claim 21, Ausubel and Takeshi teach the system of claim 17 described above. Ausubel further teaches means for displaying a data entry page on a corresponding bidder computer terminal accessible to respective one of said plurality of bidders, wherein said data entry page includes a data entry field for each of said plurality of bid parameters (see column 2, lines 61-67); and means for allowing each said bidder to access said data entry page and place said respective bid for each of said plurality of bid parameters by entering said respective bid in said data entry field for corresponding bid parameter (column 3, lines 61-67).

14. As per claim 22, Ausubel teaches a first computer operable by a first bidder from said plurality of bidders and configured to allow said first bidder to place a respective bid for each of a plurality of bid parameters established for said lot (see column 3, lines 28-32), wherein said plurality of bid parameters includes a price parameter and at least one non-price parameter (see

Art Unit: 3691

column 4, lines 21-30); a second computer in communication with said first computer via a first communication network, wherein said second computer is configured to receive from said first computer over said first communication network all bids placed by said first bidder (see abstract and column 1, lines 34-40, where “buyer” is equivalent of “auction requester”); and a third computer operable by said auction requester and in communication with said second computer via a second communication network, wherein said second computer is configured to send each bid received from said first bidder for each non-price parameter over said second communication network to said third computer in real-time (see abstract, column 1, lines 34-40, and column 4, lines 2-29).

Ausubel does not teach:

said at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder.

Takeshi teaches:

said at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder (abstract).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service,

Art Unit: 3691

between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder feature to the method of Ausubel because Takeshi teaches that adding the feature helps to provide with the QOS request for specifying the bid price and the resources and the requesting the service, a price adjustment mechanism 4 for successively assigning the resources satisfied with the QOS request 3 in the descending order of the bid price for the plural QOS requests 3 received through a line and an execution means for executing a processing by using the assigned resources and returning the executed result.

15. As per claim 23, Ausubel and Takeshi teach the system of claim 22 described above.

Ausubel further teaches wherein said second computer is further configured to:

multiply each bid received for a corresponding non-price parameter by zero and aggregate all zero-multiplied bids, thereby generating a null value; combine said null value with said respective bid for said price parameter, i.e. charged the highest bidder, to generate a total bid value for said first bidder; and send said total bid value for said first bidder to said third computer in real-time over said second communication network (see column 1, lines 25-52, column 4, lines 21-29).

16. As per claim 24, Ausubel and Takeshi teach the system of claim 22 described above.

Ausubel further teaches wherein the first communication network is the Internet (see column 5, lines 47-52).

Art Unit: 3691

17. As per claim 25, Ausubel and Takeshi teach the system of claim 22 described above. Ausubel further teaches wherein said second communication network is the same as the first communication network (see column 4, lines 65-67).

18. As per claim 26, Ausubel and Takeshi teach the system of claim 22 described above. Ausubel further teaches a fourth computer in communication with said second computer via said first communication network, wherein said fourth computer is configured to allow a second bidder from said plurality of bidders to send said respective bid for said each of said plurality of bid parameters to said second computer over said first communication network (see column 3, lines 32-37 and column 4, lines 59-67), and wherein said second computer is configured to transmit over said first communication network at least two bids received from said second bidder to said first computer for said first bidder's review (see abstract and column 1, lines 34-40), wherein at least one of said at least two bids is for a non-price parameter (see column 4, lines 21-29).

19. As per claim 27, Ausubel and Takeshi teach the system of claim 22 described above. Ausubel further teaches wherein said second computer is configured to prevent each bid initially received from said first bidder for corresponding non-price parameter from being unintentionally modified thereafter during said electronic auction (see column 3, lines 17-27 and column 4, lines 21-29).

20. As per claim 28, Ausubel and Takeshi teach the system of claim 22 described above. Ausubel further teaches wherein said second computer is configured to transmit data for a bid graph to said first computer in real-time over said first communication network (see column 3,

Art Unit: 3691

lines 28-42 and column 4, lines 6-10, wherein said data for said bid graph includes information about at least two bids placed by each of said first bidder and at least one other bidder from the remainder of said plurality of bidders (see column 3, lines 28-32), wherein at least one of said at least two bids is for a non-price parameter (see column 4, lines 21-29), and wherein said first computer is configured to graphically display said bid graph in real-time (see column 8, lines 2-14, where “demand curve” is equivalent of “bid graph.”)

21. Claims 2, 7, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel, U.S. Patent Number: 6,026,383 (PTO-892 reference C) in view of Parunak et al., U.S. Pub. Number: 2002/0013631 A1 (PTO-892 reference B).

22. As per claim 2, Ausubel teaches the method of claim 1 described above.

Parunak et al. further teaches for each said bidder, generating a total bid for said lot by combining all bids placed by each said bidder, wherein said total bid equals in value to the bid for said price parameter placed by the corresponding bidder (see page 9, paragraphs [0125]-[0127]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the feature of generating a total bid to the method of Ausubel because Ausubel teaches that adding the feature of generating a total bid helps to maximize the allocative efficiency of the auction outcome (see column 2, lines 23-25 of Ausubel).

23. As per claim 6, Ausubel and Parunak et al. teaches the method of claim 2 described above.

Ausubel further teaches wherein generating said total bid for each said bidder includes performing the following in real-time for each said bidder:

multiplying each bid received for a corresponding non-price parameter by zero and aggregating all zero-multiplied bids, thereby generating a null value; and combining said null value with said respective bid for said price parameter to generate said total bid, i.e. charged the highest bidder (see column 1, lines 5-52).

24. As per claim 7, Ausubel and Parunak et al. teach the method of claim 2 described above. Ausubel further teaches making said total bid by each corresponding bidder available to said auction requester in real-time (column 2, lines 32-35 and column 4, lines 21-39).

25. As per claim 15, Ausubel and Parunak et al. teach the computer readable storage medium of claim 13 described above.

Ausubel further teaches having stored thereon said instructions, which, when executed by said processor, cause said processor to further perform the following in real-time:

display a bid graph on a first computer terminal accessible to one of said plurality of bidders (see column 3, lines 28-32) and on a second computer terminal accessible to said auction requester (see abstract and column 1, lines 34-40, where “buyer” is equivalent of “auction requester”), wherein said bid graph graphically depicts information about at least two bids placed by each of said one of said plurality of bidders and at least one other bidder from the remainder of said plurality of bidders (see column 8, lines 2-14, where “demand curve” is equivalent of “bid graph”), wherein at least one of said at least two bids is for a non-price parameter (see column 7, lines 47-67).

26. As per claim 16, Ausubel and Parunak et al. teach the computer readable storage medium of claim 13 described above.

Art Unit: 3691

Ausubel further teaches the computer readable storage medium having stored thereon said instructions (see column 5, lines 9-20), which, when executed by said processor, cause said processor to prevent each bid initially placed for corresponding non-price parameter (see column 4, lines 11-20) from being unintentionally modified thereafter during said electronic auction (see column 3, lines 18-27, where "demand the same quantity" is equivalent of "prevent each bid initially placed for corresponding non-price parameter from being unintentionally modified).

27. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel, U.S. Patent Number: 6,026,383 (PTO-892 reference C) in view of Parunak et al., U.S. Pub. Number: 2002/0013631 A1 (PTO-892 reference B) further in view of Takeshi, Patent Number JP408079240A.

28. As per claim 13, Ausubel teaches a computer readable storage medium having stored thereon instructions for conducting an electronic auction among a plurality of bidders, wherein each of said plurality of bidders competing for a lot having at least one item to be auctioned by an auction requester, wherein said instructions, when executed by a processor, cause said processor to perform the following in real-time:

allow each bidder to place a respective bid for each of a plurality of bid parameters established for said lot (see column 1, lines 53-57), wherein said plurality of bid parameters includes a price parameter and at least one non-price parameter (see column 4, lines 21-29) and make said total bid along with each bid for a non-price parameter by each corresponding bidder available to said auction requester (see column 2, lines 32-35 and column 4, lines 21-39);

Ausubel does not teach:

Art Unit: 3691

for each said bidder, generating a total bid for said lot by combining all bids placed by each said bidder, wherein said total bid equals in value to the bid placed for said price parameter by corresponding bidder;

said at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder.

Takeshi teaches:

said at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder (abstract).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder feature to the method of Ausubel because Takeshi teaches that adding the feature helps to provide with the QOS request for specifying the bid price and the resources and the requesting the service, a price adjustment mechanism 4 for successively assigning the resources satisfied with the QOS request 3 in the descending order of the bid price for the plural QOS requests 3 received through a line and an

Art Unit: 3691

execution means for executing a processing by using the assigned resources and returning the executed result.

Parunak et al. further teaches for each said bidder, generating a total bid for said lot by combining all bids placed by each said bidder, wherein said total bid equals in value to the bid placed for said price parameter by the corresponding bidder (see page 9, paragraphs [0125]-[0127]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the feature of generating a total bid to the method of Ausubel because Ausubel teaches that adding the feature of generating a total bid helps to maximize the allocative efficiency of the auction outcome (see column 2, lines 23-25 of Ausubel).

29. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel, U.S. Patent Number: 6,026,383 (PTO-892 reference C) in view of Centner et al., U.S. Pub. Number: 2002/0007324 A1 (PTO-892 reference A) further in view of Takeshi, Patent Number JP408079240A.

30. As per claim 10, Ausubel and Takeshi teach method of claim 1 described above. Centner et al. further teaches wherein said at least one non-price parameter includes lead time (see abstract, page 6, [0051]); labor length (page 4, [0041]); and contract length (page 6, claim 3).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the lead time feature of Centner et al. to the method of Ausubel because Centner et al. teaches that adding the non-price parameter lead time feature

Art Unit: 3691

helps to more efficiently submit bids, refine bids, and monitor competitive bids up until a buyer-specified RFQ deadline date and time (see page 1, [0014]).

31. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel, U.S. Patent Number: 6,026,383 (PTO-892 reference C) in view of Parunak et al., U.S. Pub. Number: US 2002/0013631 A1 (PTO-892 reference B) further in view of Popolo, Carl A., U.S. Pub. Number: US 5,715,402 (PTO-892 reference D) further in view of Takeshi, Patent Number JP408079240A.

32. As per claim 14, Ausubel, Takeshi and Parunak et al. teach the computer readable storage medium of claim 13 described above.

Popolo, Car A. further teaches the computer readable storage medium having stored thereon said instructions, which, when executed by said processor, cause said processor to further perform the following in real-time:

make at least two bids placed by a first bidder from said plurality of bidders available to a second bidder from said plurality of bidders (see column 14, lines 50-54, column 15, lines 1-60, and column 16, lines 1-24), wherein at least one of said at least two bids is for a non-price parameter (see column 4, lines 21-29).

It would have been obvious to one with ordinary skill in the art to add the feature of making at least two bids placed by a first bidder from said plurality of bidders available in real-time to a second bidder to the method of Ausubel, because Popolo teaches that bidders may require changing bids (see column 15, lines 24-27).

33. Claims 8, 19, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel, U.S. Patent Number: 6,026,383 (PTO-892 reference C) in view of Popolo, Carl A.,

Art Unit: 3691

U.S. Pub. Number: US 5,715,402 (PTO-892 reference D) further in view of Takeshi, Patent Number JP408079240A.

34. As per claim 8, Ausubel and Takeshi teach the method of claim 1 described above.

Ausubel further teaches wherein at least one of said at least two bids is for a non-price parameter (see column 4, lines 21-29).

Ausubel does not teaches the feature of making at least two bids placed by a first bidder from said plurality of bidders available in real-time to a second bidder from said plurality of bidders.

Popolo teaches the feature of making at least two bids placed by a first bidder from said plurality of bidders available in real-time to a second bidder from said plurality of bidders (see column 14, lines 50-54, column 15, lines 1-60 and column 16, lines 1-24).

It would have been obvious to one with ordinary skill in the art to add the feature of making at least two bids placed by a first bidder from said plurality of bidders available in real-time to a second bidder to the method of Ausubel, because Popolo teaches that bidders may require changing bids (see column 15, lines 24-27).

35. As per claim 19, Ausubel and Takeshi teach the system of claim 17 described above.

Ausubel further teaches wherein means for making at least one of said at least two bids is for a non-price parameter (see column 4, lines 21-29).

Ausubel does not teaches the feature of making at least two bids placed by a first bidder from said plurality of bidders available in real-time to a second bidder from said plurality of bidders.

Popolo teaches the feature of making at least two bids placed by a first bidder from said plurality of bidders available in real-time to a second bidder from said plurality of bidders (see column 14, lines 50-54, column 15, lines 1-60 and column 16, lines 1-24).

It would have been obvious to one with ordinary skill in the art to add the feature of making at least two bids placed by a first bidder from said plurality of bidders available in real-time to a second bidder to the system of Ausubel, because Popolo teaches that bidders may require changing bids (see column 15, lines 24-27).

36. As per claim 30, Ausubel, Takeshi and Popolo teach the method of claim 29 described above. Ausubel further teaches wherein said bidding history for said first bidder includes at least one of the following:

a first most recent set of bids placed by said first bidder for said plurality of bid parameters; and a second most recent set of bids placed by said first bidder for said plurality of bid parameters, wherein said second most recent set of bids immediately precedes said first most recent set of bids in time (see column 3, lines 28-43 and column 4, lines 21-28).

37. As per claim 31, Ausubel, Takeshi, and Popolo teach the method of claim 29 described above. Ausubel further teaches wherein said feedback information includes at least one of the following:

Art Unit: 3691

a first most recent bid from a second bidder from said plurality of bidders, wherein said first most recent bid represents the best value for said price parameter from among all bids received for said price parameter from said plurality of bidders; and a second most recent bid from a third bidder from said plurality of bidders, wherein said second most recent bid represents the best value for one of said at least one non-price parameter from among all bids received for said one of said at least one non-price parameter from said plurality of bidders (see column 3, lines 1-40 and column 4, lines 11-29).

38. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel, U.S. Patent Number: 6,026,383 (PTO-892 reference C) in view of Popolo, Carl A., U.S. Pub. Number: US 5,715,402 (PTO-892 reference D) further in view of Takeshi, US Patent JP408079240A.

39. As per claim 29, Ausubel teaches a method of conducting an auction among a plurality of bidders, wherein each of said plurality of bidders is competing for a lot on auction using a respective computer terminal, said method comprising:

receiving from each bidder's computer terminal a respective bid for each of a plurality of bid parameters established for said lot (see column 2, lines 61-67), wherein said plurality of bid parameters includes a price parameter and at least one non-price parameter (see column 4, lines 21-29); and for a first bidder from said plurality of bidders, facilitating a display of a bidding history for said first bidder for said first bidder on said first bidder's computer terminal in real-time (see column 3, lines 18-26), wherein said bidding history for said first bidder includes information about one or more bids placed by said first bidder, and wherein said information for

Art Unit: 3691

said first bidder includes information about bids placed by one or more of said plurality of bidders other than said first bidder (see column 3, lines 36-43).

said at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder (column 9, lines 8-11; Fig. 4; column 3, lines 18-column 4, line 28).

Ausubel does not teach feedback information.

Popolo further teaches a feedback information (see column 17, lines 1-18 of Popolo).

It would have been obvious to one with ordinary skill in the art to add the feedback information feature of Popolo to the system of Ausubel, because Popolo teaches that feedback information is important to reduce time and expense by increasing coordination between buyers and sellers (column 1, lines 14-67 and column 2, lines 1-12).

Ausubel does not teach:

said at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder.

Takeshi teaches:

said at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction

Art Unit: 3691

requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder (abstract).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder feature to the method of Ausubel because Takeshi teaches that adding the feature helps to provide with the QOS request for specifying the bid price and the resources and the requesting the service, a price adjustment mechanism 4 for successively assigning the resources satisfied with the QOS request 3 in the descending order of the bid price for the plural QOS requests 3 received through a line and an execution means for executing a processing by using the assigned resources and returning the executed result.

Response to Arguments

1. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.
2. In response to applicant's argument that prior-filed application has sufficient support under 35 U.S.C. 112, first paragraph for the claims of this application. The Examiners agrees. Therefore, the rejection for priority is withdrawn.
3. In response to Applicant's amendment, the Examiner withdraws the grounds of rejection of claims 1-3 and 6-16 based on 35 USC 101.

Conclusion

Art Unit: 3691

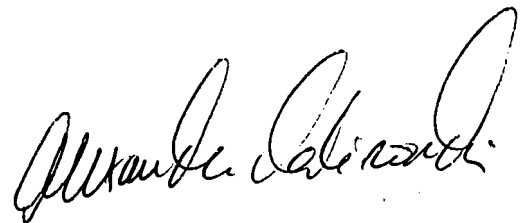
4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Liu whose telephone number is 571-270-1370. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6711. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER